REMARKS

By Final Office Mailed February 13, 2006, prosecution of this application was closed. Accordingly, Applicants have filed a Request for Continued Examination (RCE) to continue prosecution of the pending subject matter, to which this Amendment constitutes the "submission" pursuant to Rule 114.

Claims 1, 3-5, 17, 18, and 56-61 are pending. Claims 2, 6-16, and 19-55 are cancelled. Claims 1, 3-5, 17, 18, and 57 have been amended for clarification. New claims 58-61 have been added. Support for the amendments and new claims may be found throughout the instant specification and claims as originally filed. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 4, 5, 17, 18, and 57 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Action alleges the terms "about" and "attached" in the claims are indefinite; "aspartic acid residues" in claim 5 allegedly lacks antecedent basis; and claims 17 and 18 depend from a cancelled base claim.

Applicant respectfully traverses this rejection and submits the present claims particularly point out and distinctly claim the subject matter of the present application. More specifically, Applicant submits one of skill in the art fully appreciates the metes and bounds of the terms "about" and "attached." Applicant further submits that, with regard to the term "attached," it is a term used commonly in the art of fusion proteins, and is clearly understood by one of skill in the art. Applicant notes that the term is used synonymously with the term "fused," or "joined," as stated throughout the instant specification and as defined with numerous examples in the application. See, for example, paragraphs [0017]–[0018], and [0023]-[0025] of the instant specification.

With regard to the remaining terms, Applicant submits that solely to expedite prosecution and without acquiescing to any rejection, the claims have been amended for clarification by deleting the term "about" in the referenced claims. Accordingly, Applicant

respectfully submits the grounds for this rejection have been overcome and requests this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. §102

Claims 1 and 57 stand rejected under 35 USC 102(e) as allegedly being anticipated by Petka et al. (U.S. Patent No. 6,090,911). Specifically, the Action alleges there is overlap with segments of sequences from the present application with SEQ ID NO: 24 of the cited reference.

Applicant respectfully traverses this rejection and submits the presently claimed fusion proteins are not anticipated by the teachings of Petka et al. Applicant notes that each and every element of a claim must be taught in a citing reference in order for that reference to anticipate a claim. *See In re Spada*, 15 U.S.P.Q. 2d 1655 (Fed. Cir. 1990); *Verdegaal Bros. V. Union Oil Co. of CA*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131.

Applicant submits that the sequences of the cited reference do not disclose the presently claimed fusion proteins comprising a subject protein; and a polyanionic domain attached to the subject protein at a terminal region, wherein the polyanionic domain binds to a polycationic coating deposited on a solid support and the polyanionic domain has the formula $-[-(\text{SEQ ID NO:1})_x-\text{SEQ ID NO:2-}]_n$ wherein x is 5, 6, 7 or 8 and n is an integer between 1 and 4, or $-[-(\text{SEQ ID NO:1})_y-\text{SEQ ID NO:6-}]_m$, wherein y is 0, 1, 2, 3, 4, 5, 6, 7 or 8 and m is an integer between 1 and 40, and wherein SEQ ID NO:1 is Ala-Gly, SEQ ID NO:2 is Pro-Glu-Gly and SEQ ID NO:6 is Glu-Gly, wherein the terminal region is the amino-terminal region, or the carboxyl-terminal region as set forth in claim 1 and claim 3, respectively.

Applicant further submits that the sequences of the cited reference do not disclose the presently claimed fusion proteins comprising a subject protein; and a polyanionic domain attached to the subject protein at a terminal region, wherein the polyanionic domain binds to a polycationic coating deposited on a solid support and the polyanionic domain has the formula $-[-(\text{SEQ ID NO:1})_x-\text{SEQ ID NO:7-}]_n$ or $-[-(\text{SEQ ID NO:1})_y-\text{SEQ ID NO:8-}]_m$, wherein x or y is 0, 1, 2, 3, 4, 5, 6, 7 or 8 and n or m is an integer between 1 and 40, and wherein SEQ ID NO:1 is Ala-Gly, SEQ ID NO:7 is Pro-Asp-Gly and SEQ ID NO:8 is Asp-Gly, wherein the terminal

region is the amino-terminal region, or the carboxyl-terminal region, as set forth in claim 57 and claim 60, respectively.

Applicant notes that, solely to expedite prosecution and without acquiescing to any rejection, claims 1, 3, 57, and 60 have been amended for clarification and in order to incorporate the content of now-canceled dependent claims, the subject matter of which was not rejected in light of the cited reference. Accordingly, Applicant respectfully submits this rejection has been obviated and requests the rejection be withdrawn.
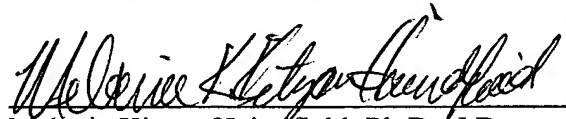
Objections to Claims

Claims 2, 3 and 56 are objected to because they depend from rejected claim 1. Applicant submits claim 2 is canceled, and claim 3 has been amended to no longer depend from claim 1. Applicant further submits any outstanding rejections of claim 1 have been overcome by way of this Amendment and Response, thus obviating this objection for the cited claims. Accordingly, Applicant respectfully requests this objection be withdrawn.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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